

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

Via ECF and Federal Express

August 20, 2019

The Honorable Sarah Netburn
 Thurgood Marshall United States Courthouse
 40 Foley Square, Room 430
 New York, NY 10007

Re: *In Re Terrorist Attacks on September 11, 2001*
Status Letter

Dear Judge Netburn:

I am writing on behalf of the Plaintiffs' Executive Committees (the "PECs") in response to Your Honor's Order, dated July 31, 2019 (ECF No. 4711), requesting a status update on the progress of securing depositions of witnesses in federal custody. As detailed below, we have continued to communicate with counsel for the two inmates in USP Florence ADMAX in Florence, Colorado (the "Supermax inmates"); the Guantanamo detainees; and, have followed up with the Department of Justice (the "Government") regarding the witness allegedly in witness protection.

Counsel for the Supermax inmates has indicated he will speak to his clients this Wednesday, but has not yet had the chance to discuss these matters directly with them. We have recently been advised by counsel for Mustafa al Hawsawi that he "declines to participate" in a deposition. We had previously advised Your Honor of the positions of Khalid Shaikh Mohammad and Ali Abdul Aziz Ali with regard to taking their depositions.

On August 2, 2019, in response to the PECs' letter seeking to depose an individual alleged to be in the Witness Security Program, the Government initially declined to assist the PECs in coordinating the deposition. Later that day, however, the Government subsequently "agree[d] to make reasonable efforts to serve a deposition subpoena on [the witness] at his last known address." The PECs have sent the subpoena to the Government and await to hear from them about the status of service.

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We will promptly communicate with the Government as soon as we hear more from counsel. The PECs still need to confer with the applicable parties regarding procedures relating to objections and assertions of privilege and will keep Your Honor advised.

Very truly yours,

KREINDLER & KREINDLER LLP

/s/ James P. Kreindler

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